

COMMISSION OF INDUSTRIAL RELATIONS

ANNUAL REPORT

Fiscal Year 2013-2014
July 1, 2013 to June 30, 2014

CASE ACTIVITY

At the beginning of FY 2013-2014, the Commission had 5 cases pending. Thirty-six new cases were filed with the Commission during FY 2013-2014. Of these 41 total cases, 25 were representation cases, 10 were wage cases, and 6 were prohibited practice cases. This compares with 44 total cases in the prior fiscal year.

Representation Cases:

In the 25 representation cases, 20 unions were certified, 19 as a result of mail ballot elections. Fourteen of these were school teacher bargaining units. Two unions were decertified, each by an election. In one of these cases, the decertified union was replaced by another certified union.

In one case, Case #1321—Lincoln Firefighters Association Local 644 v. City of Lincoln, NE, a trial had been held on April 2, 2013. A Findings and Order was entered on September 13, 2013.

In Case #1334 – International Association of Firefighters Local 647 v. City of Grand Island, a trial was held on July 16, 2013 to determine the appropriate bargaining unit. A Findings and Order was entered on October 25, 2013.

In Case #1341 – Hamilton County EMS Association, IAFF Local 4956 v. Hamilton County, Nebraska, a trial was held on December 10, 2013. A Findings and Order was entered February 27, 2014. An election followed and the union was certified on April 16, 2014. An appeal was filed on May 15, 2014.

At the end of the year, two cases remained on the docket, one with an election pending.

Wage Cases:

In the 10 wage cases, four cases were settled by agreement of the parties or at the request of petitioner. Three of the cases have remained on the docket for an extended period of time, but are in the process of settling the case without a trial in the CIR. In one case, #1361 Employees United Labor Association v. Douglas County, NE the parties are reportedly working on a settlement.

There was only one wage trial held during the year, Case #1338—Fraternal Order of

Police Lodge #74 v. City of Crete, Nebraska. This was the first case tried under LB 397, which significantly changed the way that wage cases are tried and decided. The three-judge panel presided over the trial, which was held on February 10 and 11, 2014. A Findings and Order was pending as of the end of the fiscal year.

Of the 10 total wage cases, three involved cities, and seven involved counties.

Prohibited Practice Cases:

A trial was held on September 4, 2013 in Case #1335 NAPE Local 61 v. State of NE Dept. of Correctional Services. A Findings and Order was entered on September 4, 2013.

A trial was held on May 28, 2014 in Case #1367 FOP Lodge 78 v. Hall Co. Corrections, Hall Co. Board of Corrections and Hall Co. Board of Supervisors. At the end of the year a Findings and Order was pending.

In the other four cases, two were dismissed, and in one the parties were working on a settlement. The final case was filed the last day of the fiscal year.

Of the 6 prohibited practice cases handled during FY '13-'14, there were two county cases, one city case, one State case, and two cases involving public power districts.

Mediation Cases:

There were no cases filed just for mediation. The only case sent to mediation was filed as a part of a wage case, which is in the process of settling.

APPEALS

Cases # 1299, 1300, 1301—Service Employees International Union (AFL-CIO) Local 226 v. Douglas County School District 001 were appealed on 1-2-13. The three cases were affirmed on November 1, 2013. 286 NEB.766.

Case #1321 – Lincoln Firefighters Association, Local 644 v. City of Lincoln, Nebraska was appealed on October 10, 2013. Appellant's Motion to Dismiss was sustained and the appeal was dismissed on November 21, 2013.

Case #1341 – Hamilton County EMS Association, IAFF Local 4956 v. Hamilton County, Nebraska was appealed May 15, 2014.

PUBLICATIONS

The Commission published 18 CIR 1-419 on July 1, 2014.

As of June 30, 2013, there are 47 paying subscribers to the CIR Reporter service, and 18

complimentary subscribers.

PERSONNEL

Current Commissioners, and their respective term-expiration dates are Loren L. Lindahl, June 9, 2015; J. L. Spray, June 9, 2017; Sarah S. Pillen, January 23, 2018; Joel E. Carlson, January 23, 2018 (replaced William G. Blake); and David Partsch, June 9, 2019 (replaced Bernard J. McGinn).

Annette Hord remains as Clerk/Administrator and Sheryl Marra remains as Administrative Assistant. Jamie Reyes continues as the Commission's Legal Counsel/Deputy Clerk.

CONFERENCE ATTENDANCE

Due to budgetary constraints, there was no conference attendance by commissioners in FY '13-'14. The Legal Counsel attended the Nebraska State Bar Association's Annual Conference, held in Omaha, and the 7th Annual Labor and Employment Law Conference held Nov. 6-9, 2013 in New Orleans, LA.

LEGISLATION

There was no significant legislation affecting the CIR in this year's legislative session.

AVERAGE CASE DAYS

One of the stated goals in our budget document is to decrease the average number of case days. During this fiscal year, our case-day average was 85 (31 cases settled or decided). This is lower than the previous year, where the average was 111 days, with 39 cases settled or decided. In the last ten years, the averages have been 102, 102, 90, 134, 90, 110, 66, 88, 80 and 111.

In the representation area, the average increased from 70 (12 cases) last year to 82 (23 cases) this year. In the wage area, the average decreased significantly from 126 (16 cases) last year to 80 (6 cases) this year. In the prohibited practices area, our average days decreased from 134 (11 cases) last year to 112 (3 cases) this year. There were no mediation cases.

ANNUAL EXPENDITURES

This fiscal year, 2013-2014, was the first year of a biennial budget period. Our original appropriation for FY '13-'14 was \$309,579, with \$223,502 in Program 531 (Administration) and

\$86,077 in Program 490 (Commissioner Expenses). In addition, a total of \$136,860 was carried forward as a re-appropriation. Thus, we began the year with a total of \$446,439. Of this total, \$220,968 was reserved for personal services, \$134,891 in Program 531 and \$86,077 in Program 490.

During the year, we spent \$257,509 of this total, of which \$166,344 was for personal services, \$134,605 in Program 531 and \$31,739 in Program 490. In addition to these amounts, we will have approximately \$8,135.62 in payroll expenses that will be encumbered from this year's money, to be paid out in '14-'15. Spending \$257,509 out of our total available funds of \$446,439 amounts to spending approximately 58% of our available funds. If we exclude re-appropriations from our total, we spent approximately 83% of our base appropriation. The remaining funds, \$188,930, will be carried forward into FY '14-'15 as a re-appropriation.

Program 531 is currently being inadequately funded for operating expenses. Had we not had the re-appropriations to rely on this past year, we would have overspent our budget. Our appropriation in Program 531 was \$223,502. We spent \$224,559 (plus encumbrances) which is a little over 100% of our appropriation. If we are not funded more adequately for future budgets, and if we lose the re-appropriations, we will find ourselves unable to pay our bills. That was not the case this year ('13-'14), nor will it be next year ('14-'15) but after that it might be a problem.

Following is a chart attempting to compare numbers of cases filed and disposed in a year, with the total money spent in that year, as well as the amount spent on per diems, which I believe is most applicable to case volume. The salaries of the three staff members may come and go, be higher or lower, but essentially that pay is not really dependent upon case load.

FY Year	New & Reopened Cases	Disposed Cases	Per Diem Costs	Total Costs
1996-97	22	15	\$37,275	\$210,189
1997-98	17	22	\$38,477	\$198,966
1998-99	19	25	\$30,523	\$180,715
1999-2000	20	18	\$26,500	\$175,411
2000-2001	15	14	\$31,010	\$210,828
2001-2002	29	24	\$32,463	\$202,688
2002-2003	19	25	\$29,758	\$215,764

2003-2004	24	26	\$27,337	\$215,312
2004-2005	23	24	\$27,580	\$212,363
2005-2006	22	20	\$30,650	\$238,759
2006-2007	42	37	\$30,638	\$242,901
2007-2008	32	37	\$28,963	\$241,511
2008-2009	30	40	\$73,739*	314,358
2009-2010	22	22	\$45,933	\$265,866
2010-2011	32	25	\$57,551	\$276,478
2011-2012	52	44	\$67,574	\$287,662
2012-2013	23	39	\$29,531	\$249,831
2013-2014	37	31	\$31,739	\$257,509

*Per Diem increased from \$250 per day to \$475 per day

WEB SITE

During the past year, the commission web site, www.ncir.ne.gov, has been continually updated several times per month. Decisions and Orders and other final Orders are placed on the site immediately upon being issued.

GOALS

The following goals were set in August, 2013:

1. Replace all three computers, and update software
2. Continue to work on Case Digest
3. Continue to update procedures related to LB 397 as necessary
4. Publish one CIR Reporter

RESULTS:

1. In March, 2014 all three computers were replaced with leased computers through the Office of the CIO (Chief Information Officer) of the State of NE. Included in the lease is replacement every five years, and maintenance of the computers at no added cost. Also included were Windows 7, Office 10, anti-virus software, and other necessary software, including updates.
2. Jamie continues work on the Case Digest as time permits.
3. Work continues in understanding the ins and outs of LB 397. One case has been tried under this new law.
4. 18 CIR 1-419 was published July 1, 2013.

Goals for the coming year include:

1. New web page to be completed, with enhanced appearance and ease of updating.
2. Glass entrance door to the office to be installed, for security and air quality improvement.
3. Continue the project of scanning all existing records.
4. Continue work on the Case Digest.
5. Publish a CIR Reporter